

CHECKLIST ITEM P
ZONING ORDINANCE MODIFICATIONS

June 22, 2009

Revised November 6, 2009

Revised ~~January 21~~ March 12, 2010

RECEIVED

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LOUDOUN COUNTY
DEPARTMENT OF PLANNING

I. MODIFICATION OF REQUIRED BUFFER ADJACENT TO RESIDENTIAL DEVELOPMENT

A. ZONING ORDINANCE SECTIONS TO BE MODIFIED

Section 3-509(C) R-8 Single Family Residential District/Additional Development Standards.

Minimum Buffer. *A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a development adjoins an existing or planned residential district, land bay or development which has a minimum allowable lot size of 6,000 square feet or greater. Such buffer area may be included in open space calculations.*

Section 4-109(C) Site Planning – External Relationships

Uses adjacent to single-family, agricultural, or residential districts or land bays allowing residential uses. *Where residential uses in a PD-H district adjoin a single-family residential, agricultural, or residential district or land bay allowing residential uses, or a commercially zoned development approved subject to proffers prior to adoption of this ordinance, the development shall provide for either:*

- (1) Single family dwellings on minimum lots of (20,000) square feet or greater, exclusive of major floodplain, along such perimeter; or,*
- (2) A permanent open space buffer along such perimeter at least fifty (50) feet in width, landscaped with a Type 2 Buffer Yard.*

B. PROPOSED MODIFICATION

Along the boundary that adjoins the Goose Creek Preserve property to the northeast, the applicant proposes to provide:

- A minimum 25-foot permanent open space buffer along lot 37, a lot containing a minimum of 10,000 square feet;
- A minimum 30-foot permanent open space buffer along lots 47-50, lots containing a minimum of 9,000 square feet;
- No buffer provided but with a 25-foot rear yard along lots 38 and 39, lots containing a minimum of 7,500 square feet; lot 38 also has some permanent open space buffer less than 50 feet in dimension;

- A 25-foot yard plus 50-foot street right-of-way along lots 17, 18 and 19; lot 19 also has permanent open space buffer less than 50 feet in dimension between the street right-of-way and the zoning district boundary.

C. JUSTIFICATION FOR MODIFICATION

The public purpose of the 50-foot buffer requirement is to provide a visual separation between two zoning districts or residential land bays with potentially dissimilar lot sizes and to provide protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences within the development. In this case, however, the Goose Creek Preserve property is zoned PD-H4, a higher density than Belmont Glen Village, with both residential communities to be administered under the R-8 district requirements. Belmont Glen Village proposes a minimum single-family detached lot size of 6,000 square feet, while the Goose Creek Preserve property is administered under the R-8 district requirements for projects providing affordable dwelling units, with no minimum lot size requirement. Both projects are proposing single-family detached units in the land bays located along the common property boundary. Therefore, similar uses are proposed adjacent to each other, and do not require "protection" from each other. In addition, the Goose Creek Preserve property is providing an open space buffer area along the common boundary with Belmont Glen Village. Along lot 50, where Belmont Glen Village is providing a minimum 30-foot open space buffer, the Goose Creek Preserve property is providing an open space buffer ranging from a minimum of 35 feet to 100 feet for a total combined buffer ranging from 70 feet to 135 feet. Along lots 37 and 38, where there is no open space buffer, the Goose Creek Estates property is providing a minimum 85-foot open space buffer. This open space buffer area is wooded with mature stands of trees. With this naturally wooded area providing ample visual separation between the two neighborhoods, there is no need to provide the full 50-foot open space buffer along every lot on the Belmont Glen Village boundary.

Belmont Glen Village has been laid out with great sensitivity to the natural features/green infrastructure located on the property. In order to respect these features, the built portion of Belmont Glen is located in close proximity to the Goose Creek Preserve property in order to maximize the open space buffer along Goose Creek. The need for this modification request isn't a case of trying to maximize density on the property, since an overall density of 1.37 dwelling units per acre is proposed. Nor is it a request to reduce open space, since 67% of the site will be retained as open space. Rather, the need for this modification request is clearly demonstrated by trying to achieve the best conservation design for the site possible. Since similar zoning and uses are proposed adjacent to each other, and since the Goose Creek Preserve property is proposing an ample wooded

buffer on its side, the public purposes of these zoning ordinance sections will be satisfied.

II. MODIFICATION OF SINGLE FAMILY DETACHED LOT YARD REQUIREMENTS

A. ZONING ORDINANCE SECTIONS TO BE MODIFIED

Section 3-506(C)(1) Lot Requirements – Single Family Detached Dwellings Front and Side Yards

- (a) *Front.* 25 feet minimum.
- (b) *Side.* 8 feet minimum if two side yards are provided; 16 feet if only one side yard is provided. In no case shall the distance between dwellings be less than 16 feet.

B. PROPOSED MODIFICATION

For lots 1-13 and 193-196 only, the applicant proposes a 15 foot minimum front yard and a 9 foot minimum side yard. For the remainder of the lots the applicant proposes a 6 foot minimum side yard with a 12 foot minimum distance between dwellings.

C. JUSTIFICATION FOR MODIFICATION

The applicant currently is developing lots 1-13 and 193-196 under the concept plan and proffers approved with ZMAP 2004-0006, which called for 15-foot front yards and 9 foot side yards. Since these lots also are included in the proposed ZCPA, the concept plan and modifications need to reflect the requirements ~~for~~ these lots are being developed under. The remainder of the lots (14-192) are using an alternative lot configuration with six-foot minimum side yards to accommodate slightly wider dwelling units, since the alleyways are being removed from the concept plan.

Belmont Glen Village has been laid out with great sensitivity to the natural features and green infrastructure located on the property. In order to respect these features, the built portion of Belmont Glen is being clustered in order to maximize the open space buffer along Goose Creek. The need for this modification request isn't a case of trying to maximize density on the property, since an overall density of 1.37 dwelling units per acre is proposed. Nor is it a request to reduce open space, since 67% of the site will be retained as open space. Rather, the need for this modification request is clearly demonstrated by trying to achieve the best conservation design for the site possible. The original zoning approval for Belmont Glen Village anticipated a design with smaller front yards and wider side yards to provide for a longer and narrower dwelling unit. This concept plan amendment is proposed to provide for a slightly wider dwelling unit, hence the

reduction of side yards to 6 feet, while maintaining the deeper front yard dimension of 25 feet.

III. MODIFICATION OF ADU REQUIREMENTS TO PERMIT CASH IN LIEU OF UNITS

A. ZONING ORDINANCE SECTION TO BE MODIFIED

Section 7-103(A)(1) Single Family Detached and Single Family Attached Units.

For active rezoning applications that have not yet complied with Section 6-1204(D)(1) of this Ordinance as of December 16, 2003, and for rezoning, special exception, site plan and preliminary subdivision applications officially accepted after December 16, 2003 which request approval of single family detached dwelling units or single family attached dwelling units, the proposed density shall reflect an increase of twenty percent (20%), including the required number of affordable dwelling units, unless such figure is modified pursuant to the provisions of Section 7-108 or the applicant provides cash in lieu of providing the single family detached units pursuant to Section 7-108(A)(3).

B. PROPOSED MODIFICATION

The applicant proposes to permit the cash in lieu buyout of required Affordable Dwelling Units (ADUs), pursuant to Section 7-108(A)(3), which states as follows:

...any request for rezoning, special exception, or preliminary subdivision (by right) which contain only single family detached units, a modification may be requested to provide cash in lieu of the units. Such cash must be paid prior to the first zoning permit. In the event that an applicant requests a modification to make such cash payment, the following criteria shall apply:

- (a) The cash formula of Section 7-108(E) shall apply.*
- (b) The decision to pay cash in lieu of providing the units has been made at the time of approval of the rezoning, special exception or preliminary subdivision (by right), as applicable.*
- (c) No bonus density is to be granted for a development, when the applicant opts to provide cash in lieu of units.*
- (d) The district regulations of Article VII shall not apply to a development when an applicant opts to provide cash in lieu of units.*

C. JUSTIFICATION FOR MODIFICATION

The proposed application is an amendment to ZMAP 2002-0007 and adopted as ZMAP 2004-0006 as part of a court settlement of the original rezoning application. The following is the justification for this modification provided with ZMAP 2002-0007 and with ZMAP 2004-0006, since the Zoning Ordinance

requirements governing ADU modifications were amended during that time period. The proposed application is seeking to retain the proffers and applicable modifications that were adopted under ZMAP 2004-0006, and this modification is identical to the modification approved under ZMAP 2004-0006. ZMAP 2002-0007 fully complied with all Zoning Ordinance provisions, including Article 7 governing affordable dwelling unit developments and included a cash buy-out of the affordable dwelling units for 6.25% of the total units payable to the County prior to issuance of the first zoning permit on the property. ZMAP 2004-0006 was adopted with the same modification. The Modification Subcommittee of the Affordable Dwelling Unit Advisory Board (ADUAB) as well as the full ADUAB recommended approval at the time of the rezoning, as did staff.

In response to the terms of Section 7-108(A)(3), the cash buy-out included in the proffers meets the cash formula of Section 7-108(E) in effect on December 1, 2003. The original modification was granted as part of a rezoning application constituting all single-family detached dwelling units, which continues to apply to the proposed amendment. No density bonus is included, with a density of 1.37 dwelling units per acre in a PD-H3 (three dwelling units per acre) district. The Article VII district regulations have not been used for the property layout, with the standard R-8 lot requirements being applied.

The following is the applicant's consideration given to criteria contained in Section 7-108(B):

(1) The number of affordable units, low-cost housing, manufactured housing and other similar type housing that exists, or are to be provided, within two (2) miles of the site and within Loudoun County.

Response: Belmont Glen Village is located in the Route 659 corridor in the vicinity of the major planned communities of Belmont Greene, Ashburn Farm, Broadlands and Brambleton plus additional projects including the Corro Property, Goose Creek Preserve, Goose Creek Village and Goose Creek Village South. Each of these communities is providing affordable housing according to Article 7.

(2) Public facilities and services already developed for the overall development capacity to accommodate the maximum density increase permitted for provision of affordable dwelling units.

Response: The availability of public facilities and services has no bearing on providing a cash buy-out in this instance.

(3) Existing unique, or unusual site constraints including, but not limited to, potential adverse impacts on environmental resources and features on the subject parcel and adjacent parcels, and difficult soil conditions.

Response: This site is located in an environmentally sensitive area adjacent to Goose Creek for which Loudoun County and Loudoun Water have adopted measures to protect this valuable drinking water source and which also is a state-designated scenic river. More than 67% of the site will remain as open space to provide environmental and scenic protection of this resource. There are slopes on the property that have been taken into account with the site's design as well as significant tree save areas that are being preserved. In recognition of these factors, the applicant has received only a modest increase in density over the by-right zoning, and, therefore, would not have been able to obtain the bonus density that is granted when affordable dwelling units are constructed. Rather, the cash buy-out provision was selected to protect this environmentally sensitive area and to keep the density low. In an area planned for from one to four dwelling units per acre, Belmont Glen Village is approved for a density of 1.37 dwelling units per acre under the December 1, 2003 application.

(4) *Unusual costs associated with development of the subject property.*

Response: The approved proffers for Belmont Glen Village allocate more of the proffer contributions toward the Route 659 transportation fund to help pay for a badly needed upgrade to this arterial roadway in the vicinity of this property.

(5) *Overriding public needs, health issues, public safety issues, or public welfare issues which are better served by not providing the maximum number of affordable units otherwise required.*

Response: The Board of Supervisors requested and received extra proffer contributions from the applicant for the Route 659 transportation fund to help pay for a badly needed upgrade to this arterial roadway in the vicinity of this property, which clearly has been identified as a public need and a public safety issue by the Board of Supervisors.

(6) *In the case of a request for a Concept Development Plan Amendment, consideration shall also be given to whether the amendment would result in a reduction in the previously approved rezoning's impact on public facilities and whether the existing proffer commitments for the previously approved rezoning exceed current adopted capital facility guidelines established in the County's comprehensive plan.*

Response: The proposed amendment retains equivalent density to the approved rezoning and is merely seeking to change the layout of the site, while retaining the equivalent level of proffer commitments. As stated previously, additional funds were allocated to the Route 659 road improvements, which were considered to be critical at the time of the rezoning application. The applicant paid this contribution in 2004 and 2005 in the amount of \$750,000.

PROFFER STATEMENT
BELMONT GLEN VILLAGE

ZCPA 2009-0007

~~January 22~~ March 12, 2010



Bayshire, L.C. (the "Applicant"), the Owner of approximately 143 acres of land, more particularly described as Parcel 9, Loudoun County Tax Map 78 (the "Property"), on behalf of itself and its successors in interest, hereby voluntarily proffer that, in the event that the Loudoun County Board of Supervisors (the "County") approves the Applicant's proposed Concept Plan Amendment as substantially set forth in the Concept Development Plan dated June 12, 2009 and revised through ~~January 22~~ March 12, 2010, and further described below and in its application, the development of the Property shall be in substantial conformance with the following conditions pursuant to Section 15.2-2303 of the CODE OF VIRGINIA (1950), as amended. These proffer conditions are the only conditions offered on this Concept Plan Amendment (ZCPA 2009-0007), provided that these proffers shall become effective only upon final approval of ZCPA 2009-0007 submitted by the Applicant.

I. LAND USE

1. CONCEPT DEVELOPMENT PLAN

The development of the Property shall be in substantial conformity with the Concept Development Plan titled Belmont Glen Village Zoning Concept Plan Amendment ("CDP"), Sheets 1, 3, 4, 5 and 7 and Sheets A, B and C, dated June 12, 2009 and revised through ~~January 22~~ March 12, 2010, prepared by Dewberry & Davis, LLC and incorporated herein by reference as Exhibit A. The CDP shall control the general development layout and configuration of the Property. Development of the Property shall be allowed up to a maximum of 196 single family detached dwelling units.

2. PUBLIC ROAD ACCESS

Initial public road access to the Property from Belmont Ridge Road (Route 659) shall be provided via Fairhunt Drive and Belmont Glen Place. A maximum of 60 zoning permits for single family detached dwelling units may be issued for the Property until such time as a second means of public road access is provided from the Property to Route 659, through the adjacent Goose Creek Preserve property (ZMAP 2002-0009, LCTM #78/8, MCPI #154-16-4753) located to the north of the Property. The Applicant shall coordinate the location of such off-site road improvements with the owner of the Goose Creek Preserve property and such road improvements shall be provided at no cost to the County or the Virginia Department of Transportation. The second means of public road access shall be deemed to be provided at such time as a public road (or roads) is (are) constructed or bonded for construction between the point shown on Sheet 4 of the CDP as the "Future Ingress/Egress Vehicular Connection to Adjacent Parcel" and Route 659 through the Goose Creek Preserve property.

3. CONSTRUCTION TRAFFIC ACCESS

Construction vehicles accessing the Property may use Belmont Glen Place and Fairhunt Drive only until such time as a second point of access to Route 659 through the Goose Creek Preserve property is available. When such second point of access is available for construction vehicle use, all construction vehicle traffic accessing the Property shall cease using Belmont Glen Place and Fairhunt Drive and use the second point of access through the Goose Creek Preserve property.

II. **WATER AND SEWER**

4. The Property will be served by public water and sewer systems. All necessary extensions of existing water and sanitary lines and connections to such existing lines to serve this Property shall be provided at no expense to Loudoun County or to Loudoun Water. Such water and sanitary sewer extensions shall be done in accordance with Loudoun Water standards.

III. CAPITAL FACILITIES CONTRIBUTION

5. The Applicant will provide, at the time of issuance of each zoning permit, a one-time cash contribution in the amount of \$5,793.23 per unit. This contribution shall escalate on an annual basis from the base year of 2004 and change effective each January 1 thereafter, based on the Consumer Price Index as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (CPI). These contributions shall be used for capital improvement projects for schools and/or other County government capital improvement projects.

IV. FIRE AND RESCUE SERVICES

6 CONTRIBUTIONS

The Applicant shall pay a contribution of \$120.00 per residential unit, at the time of the issuance of each zoning permit, to the County for distribution to the Fire and Rescue companies providing primary service to the Property. This contribution shall be divided equally between the servicing Fire and Rescue companies. Such contributions shall escalate on an annual basis in accord with the Consumer Price Index and with a base year of 1988.

7. CESSATION OF CONTRIBUTIONS

The obligations to make donations set forth in Paragraph IV.6 above shall continue so long as volunteer fire and rescue companies serve the Property. In the event the Property shall cease to be served by volunteer fire and rescue companies, the obligations to make such donations shall be terminated. If only one of the services ceases to be provided by a volunteer company, then the contribution will be halved and provided only to the remaining volunteer company.

8. EMERGENCY VEHICLE ACCESS

The Applicant shall provide all weather, gravel compacted access for emergency vehicles acceptable to the Fire Marshal to all portions of the Property under construction, no later than the framing stage of construction.

V. **TRANSPORTATION**

9. INTERNAL ROAD NETWORK

All roads on the Property will be constructed in accordance with the County of Loudoun's Land Subdivision and Development Ordinance and Facilities Standards Manual to provide access to the internal parcels as they are developed as shown on the CDP. All public roads built on the Property will be designed and constructed in accordance with Virginia Department of Transportation ("VDOT") and County standards, or with modified standards as may be approved by VDOT and the County. All public road rights-of-way within the Property will be dedicated to the County at no cost to the County or VDOT. Dedication of land includes related easements outside the right-of-way, such as slope maintenance, storm drainage and utility relocation easements necessary to construct public roads and streets within the Property. All public roads constructed on the Property shall include five-foot wide sidewalks constructed on both sides of each street as shown on Sheet 4 of the CDP.

10. REGIONAL ROAD RIGHT-OF-WAY DEDICATION

The Applicant shall dedicate as right-of-way, as necessary, any portion of the Property that falls within 60' from the existing centerline of Belmont Ridge Road to accommodate the future widening of Belmont Ridge Road. Actual right-of-way dedication shall be based on a plan approved by VDOT and Loudoun County, for the ultimate section of Belmont Ridge Road when Belmont Ridge Road is improved to a multi-lane facility. In addition to the dedication, the Applicant will grant all necessary easements relating to road construction for utilities, drainage and grading. Such dedication will be provided upon written request by Loudoun County, but no later than concurrent with the approval of the record plat including any of Lots 28-39

as depicted on the CDP. If, at that time, the definitive right-of-way requirements are still not known for the ultimate improvements to Belmont Ridge Road along the Property's frontage, the maximum right-of-way of 60' from the centerline will be dedicated to Loudoun County at no cost.

11. BELMONT RIDGE ROAD TRAIL

The Applicant shall dedicate a fourteen-foot wide public access easement for, and construct, a ten-foot wide asphalt trail on the Property, where the Belmont Ridge Road right-of-way crosses the Property, outside of the proposed right-of-way dedication as depicted on the CDP. This trail shall conform to the American Association of State and Highway Transportation Officials (AASHTO) standards. This trail shall match and align with the asphalt trail to be constructed on the Belmont Glen property to the south. The easement shall be dedicated and the trail constructed or bonded for construction no later than the approval of the record plat that includes any of Lots 28-39, as depicted on the CDP. The Homeowner's Association shall maintain the trail.

VI. OPEN SPACE

12. DEDICATION OF OPEN SPACE/PARK LAND ALONG GOOSE CREEK

The Applicant shall dedicate to the County, at no cost to the County, approximately 61.33 acres of land along Goose Creek, with the area shown on the CDP and labeled "Future Public Passive Park Dedication". This land shall be dedicated for open space/conservation/passive recreation purposes only, and the dedication shall specify that the land shall be maintained in a natural condition used for open space/conservation/passive recreation purposes only. The dedication shall be subject to the Applicant's right to install and construct public utility and stormwater conveyance improvements as may be required by the County and/or Loudoun Water as part of the Construction Plan or Record Plat approval processes. The proposed deed will be submitted to the County for review and approval prior to recordation. Pedestrian and bicycle access only for the general public shall be provided to the park dedication area between Lots 184 and 185 as depicted on the CDP, along the

driveway accessing the stormwater management pond. The park dedication shall be provided upon written request of the County, but no later than concurrent with the approval of any record plat containing any of Lots 184 and 185, as depicted on the CDP.

13. OPEN SPACE/CONSERVATION EASEMENT

An open space/conservation easement shall be dedicated to the County for the open space land, which will be owned and maintained by the homeowners association (HOA) and which is located between the "Future Public Passive Park Open Space Dedication Line" and the rear property line for the lots located adjacent to the open space areas, as depicted on the CDP. The easement area shall remain undisturbed except for any environmental management activities referenced in other proffers herein and any County approved activities related to the construction and maintenance of utilities, stormwater management, BMP facilities, and trails. The Applicant will retain the right to dedicate additional easements that may be required by the County within the easement area. The Applicant reserves the right to remove, in consultation with the County Urban Forester, any dead, damaged, dying or diseased trees and vegetation, any tree or vegetation that interferes with proper functioning of any drainage easement, or any tree or vegetation that creates a danger to property or persons within the easement area.

14. ACTIVE RECREATION

Active recreation areas for the community, which are to be owned by the Homeowners' Association (HOA), will be provided in the Village Green, which shall be approximately 3.6 acres and which shall contain a community swimming pool and open, sloped-to-drain space to be used for other outdoor recreation activities. The pool will be a six-lane, 25-meter facility with attendant bathhouse. The Village Green also shall contain one tot lot facility encompassing a minimum area of 2,500 square feet and which shall be furnished with play equipment having a minimum value of \$10,000 and supplemented with four park benches and at least two picnic tables.

These facilities will be constructed or bonded for construction prior to the issuance of the 100th zoning permit for new residential construction within the Property.

15. TREE SAVE AREAS

Existing vegetation will be preserved in its natural condition in the areas designated on the CDP as “proposed vegetation to remain.” No clearing or grading activities shall occur within the designated “proposed vegetation to remain” areas, except where needed for the installation of underground utilities such as water and sewer lines, and selected clearing of any dead, damaged, dying or diseased trees and vegetation, or any tree or vegetation that interferes with the functioning of any utility or drainage easement or that poses a safety hazard, upon consultation with the County Urban Forester prior to the removal of any such vegetation.

16. SIDEWALKS AND TRAILS

The sidewalks and trails specified in this proffer shall be located on HOA-owned property.

A. Trail Connecting to Belmont Ridge Road

The existing gravel driveway located along the southern boundary of the Property, as depicted on the CDP, shall be retained and shall be maintained by the HOA as a natural surface trail providing pedestrian and bicycle access to the community sidewalk and street network from the trail to be constructed along the west side of Belmont Ridge Road pursuant to proffer 11, above. The existing driveway access to Route 659 will be abandoned as a vehicular access to Route 659, concurrent with the first record plat approval for the Property. A public access easement shall be placed on this trail at the time of dedication of the “Future Public Passive Park” provided pursuant to Proffer 12, above.

B. Village Green Trail

The Applicant shall construct a six-foot wide asphalt trail within the HOA-owned open space Parcel D, as shown on Sheet 4 of the CDP and labeled as "6' trail with steps." This trail shall be constructed or bonded for construction prior to the issuance of the 100th zoning permit for new residential construction within the Property.

C. Trails to Future Public Passive Park

1. A six-foot wide, soft surface trail within a ten-foot wide public access easement shall be constructed between Lots 64 and 65 connecting to the Future Public Passive Park, as depicted on Sheet 4 of the CDP. This trail shall be constructed or bonded for construction prior to approval of the record plat containing lots 64 and 65.

2. A public access easement trail accessing the Future Public Passive Park shall be constructed between Lots 184 and 184 and shall be co-located with the driveway providing maintenance vehicle access to the stormwater management pond, as depicted on Sheet 4 of the CDP. A six-foot wide, soft surface trail within a ten-foot wide public access easement shall be constructed to provide a pedestrian connection between the access driveway and the Future Public Passive Park. This driveway/trail shall be constructed or bonded for construction prior to record plat approval for Lots 184 and 185.

D. Internal Connecting Sidewalk

The Applicant shall construct a five-foot wide sidewalk between Lots ~~1204~~/1212 and 1632/1643, as shown on Sheet ~~43~~ of the CDP as "5' sidewalk with steps. This sidewalk shall be constructed or bonded for construction prior to record plat approval for Lots ~~1204~~, 1212, ~~1632~~ and 1643.

17. ARCHEOLOGICAL SITE

The archeological site shown on Sheet 3 of the CDP shall be protected by virtue of its location within the Future Public Passive Park Open Space Dedication area established under proffer 12 above and in the HOA-Owned Open Space area

established under proffer 13 above. In addition, the location of the site shall be clearly noted on all subsequent plans and profiles and shall be demarcated prior to any ground disturbing activities within 100 feet of the perimeter of the site. This site shall not be used as a staging area for heavy equipment, for soil stockpiling and retrieval, or as an erosion and sediment control area, and no other land disturbing activities shall occur within the archeological site limits shown on Sheet 3 of the CDP.

18. GOOSE CREEK SCENIC EASEMENT

~~The Applicant shall establish a 300-foot easement as measured from the stream bank of the active channel of Goose Creek, as identified on the CDP and labeled as "300-Foot Scenic Easement", which shall remain undisturbed. The Applicant reserves the right to remove, in consultation with the County Urban Forester, any dead, damaged, dying or diseased trees and vegetation, any tree or vegetation that interferes with proper functioning of any drainage easement, or any tree or vegetation that creates a danger to property or persons within the easement area.~~

189. TREE CONSERVATION PLAN

The Applicant shall submit a Tree Conservation Plan for portions of the HOA-owned open space areas, labeled as "proposed vegetation to remain" on Sheet 3 of the CDP, for review and approval by the County Urban Forester prior to or concurrent with the approval of the first construction plan and profile application for the Property. The Tree Conservation Plan shall address protection measures during construction and long-term management strategies. The Applicant shall follow the approved Tree Conservation Plan during construction, and the HOA documents will include provisions requiring the HOA to conform to the Plan and prohibiting the HOA from clearing trees in the tree protection areas, except as noted in proffer 15 above.

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VII. HOMEOWNER'S ASSOCIATION

1920. Documents to establish a Homeowners' Association (HOA) will be submitted to the County for review and approval as to form and consistency with these proffers prior to first record subdivision plat approval or first final site plan approval, for residential development on the Property, whichever is first in time. The HOA will be established prior to approval of the first record plat or site plan, whichever is first in time. The HOA shall have, among its duties maintenance of all private storm drainage and common areas, including the open space, trails, greens, swimming pool, bath house and play areas on the Property.

VIII. ENVIRONMENT

201. BEST MANAGEMENT PRACTICES

The Applicant shall use the Best Management Practices as published in the latest edition of the Virginia Stormwater Management Handbook. Best Management Practices used will include constructed wetland areas using only native plant species, if available, and minimizing the piping of stormwater. In no event shall less than 50% native plant materials be used. Use of these methods is subject to obtaining Facilities Standards Manual waivers, if necessary.

212. STORM DRAINAGE

The Applicant shall equip any and all storm drainage pipes that discharge to a buffer or stream, with energy dissipation devices, level spreaders, constructed wetlands using only native plant materials, if available, or appropriate diversion structures that will minimize the impact of small storms on the streams and existing wetlands, as approved by the County. In no event shall less than 50% native plant materials be used, where constructed wetlands are used.

223. STORMWATER MANAGEMENT PONDS

Stormwater management ponds that may be used shall include only wetlands, wet ponds, or dry ponds with constructed wetland areas using only native plant

materials, if available, within the dry pond, and in no event shall less than 50% native plant materials be used. Dry ponds may be used only if the County does not approve any of the other types of stormwater management ponds listed above.

234. UTILITY ROUTING

The Applicant shall use its good faith efforts to minimize the extent of land disturbance within the 300-foot Goose Creek Reservoir Protection Buffer and Scenic Easement area on the Property, as shown on the CDP, when designing and installing utility lines. Where utility lines or facilities must disturb this area, this area will be replanted once construction is completed. These replantings shall use only native plant materials, if available, and in no event shall less than 50% native plant materials be used. Notwithstanding the foregoing, the design of the water supply and wastewater utility facilities shall be subject to Loudoun Water approval, shall respect sound engineering principals and shall comply with all applicable Loudoun Water and Facilities Standards Manual standards.

245. PROPERTY OWNER EDUCATION AND NOTIFICATION

The Applicant shall provide all prospective purchasers and all contract purchasers at the time of property settlement with information regarding property owner management practices that will protect water quality. This documentation will incorporate a statement that it is unlawful to dispose of petroleum products in the storm drainage system, will include information regarding safe disposal of petroleum products and will educate property owners in the use of organic fertilizers, pesticides and insecticides in maintaining their private landscaping.

Further, the Applicant shall provide notification to prospective purchasers of any of the lots located adjacent to a stormwater management facility, as shown on the CDP, regarding the nature of the facility. The Applicant shall disclose in writing to all prospective purchasers that the lot they are purchasing is located adjacent to a stormwater management facility whose function is to detain and slowly release stormwater during rain events, and that the facility may be wetlands, wet ponds or

dry ponds with constructed wetland areas using no less than 50% native plant materials within the dry pond, pursuant to Proffer 223 in the Proffer Statement dated July 6, 2009 and revised through January 11, 2010. This disclosure shall state in clear language that the referenced stormwater management facility is neither a recreational amenity nor an aesthetic "water feature." Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the Illustrative Site Plan(s) on display within any sales related office(s), as well as in Homeowner Association Documents and by inclusion on all subdivision record plats and within all Deeds of Conveyance.

256. ADDITIONAL WATER QUALITY MANAGEMENT MEASURES

In addition to measures for environmental and/or water quality management specified elsewhere in the proffers, the Applicant and its successors having any interest in all or parts of the Property, including individual lot owners, shall conform with all of the standards and procedures suggested or required by the Loudoun Water for environmental and/or water quality management in Exhibit B dated June 2, 2003 and titled: "Preliminary Recommendations for Belmont Glen/Rouse Property Based Upon the Goose Creek Source Water Protection Study" prepared by the Loudoun County Sanitation Authority and attached to these proffers. The measures recommended by Loudoun Water in the document referenced in this proffer shall be included in the HOA covenants that will be established for the Property under Proffer 219. The Applicant also will ensure that prospective purchasers and contract purchasers are provided with information in sales promotion material and at the time of settlement informing them of all purchaser responsibilities for environmental and water quality management.

IX. AFFORDABLE DWELLING UNITS

267. The Applicant shall provide a cash contribution of \$449,756.67 to the County to be used for the County's Affordable Dwelling Unit program. This cash contribution shall be paid prior to the issuance of the first Zoning Permit for the Property. The amount of this cash contribution shall be calculated with a base year of 2004 and

adjusted by the CPI at the time the actual contribution is paid to the County. These funds shall be placed in the Loudoun County Housing Trust Fund.

X. BUILDING HEIGHT

278. The Applicant shall submit with each Zoning Permit application for Lots 38, 39, 49 and 50, as shown on Sheet 3 of the CDP, a drawing demonstrating conformance with Section 4-109 (E) of the Zoning Ordinance, Height limitations at edges of PD-H districts. These drawings shall provide the same information displayed in the Height Restriction Diagram on Sheet 7 of the CDP.

XI. RESIDENTIAL STRUCTURES

289. SPRINKLERS

The Applicant shall require all builders to provide, as an option to purchasers of residences on the Property, the opportunity to purchase and have installed residential sprinkler systems for each such residence, provided that the water supply system to any such residence has sufficient capacity to support the sprinkler system. This proffer shall not require the builders to install such systems in residences on the Property unless the purchasers of such residences choose to exercise such option prior to the start of construction and to pay the costs associated with such purchase and installation.

2930. GARAGE CONVERSIONS

The HOA documents shall include provisions that will prohibit any garage space from being converted to any type of habitable, and/or living, space.

304. REFORESTATION

The Applicant shall install landscaping within the ~~HOA-owned~~ open space area to be dedicated to the County established under Proffer 123, in conformance with the Reforestation Plan as shown on Sheets ~~8A, B and C~~ of the CDP. The Reforestation Plan shall use only native plant materials, if available, and in no

event shall less than 50% native plant materials be used. The cost of such reforestation shall not exceed \$20,000. The base year for the dollar figure expressed in this proffer shall be 2004, with adjustments made each January 1 thereafter based on the Construction Cost Index (CCI) published in the Engineering News Record by McGraw-Hill. Should this publication cease publishing the CCI index, another index that reflects the changes in construction costs shall be used, as agreed upon by the Applicant and the County. The ~~Reforestation~~ Plan for Area 1, as shown on Sheet A of the CDP, shall be bonded for construction prior to approval of the record plat containing any of lots ~~16863~~ through ~~66170~~, as shown on Sheet 3 of the CDP. The ~~Reforestation~~ Plan for Area 2, as shown on Sheet A of the CDP, shall be bonded for construction prior to approval of the construction plans for the stormwater management pond. The Applicant shall submit the Reforestation Plan to the County Urban Forester for review and approval prior to the approval of the first construction plans and profiles for the Property subsequent to the approval of this ZCPA application. The Applicant shall post a bond with the County in an amount sufficient to cover the cost of implementing the ~~Reforestation~~ Plan as part of the construction plans and profiles application subject to the cost limitation specified in the preceding paragraph. The plant material shall generally be consistent with the materials specified on Sheets A, B and C of the CDP, subject to review and approval by the County Urban Forester. The Applicant shall implement the ~~Reforestation~~ Plan prior to the issuance of the eighteenth (18th) certificate of occupancy for the Property. The applicant shall ensure that a minimum of eighty percent (80%) of the initial planting is determined to be established after two growing seasons. The Applicant shall conduct an annual inspection along with the County Urban Forester during the first two growing seasons to verify the establishment of a minimum of 80% of the initial planting. If the 80% establishment is not achieved after the second growing season, the Applicant shall install a one-time planting to bring the project to full stocking in accordance with the approved ~~Reforestation~~ Plan.

312. UNMET HOUSING NEEDS CASH CONTRIBUTION

Prior to or concurrent with the issuance of the zoning permit for each residential unit for the Property, the Applicant shall pay to the County a one-time cash contribution in the amount of \$500 per residential unit to be used toward addressing unmet housing needs in Loudoun County in accordance with the Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, as determined by the Board of Supervisors. These contributions shall escalate on an annual basis beginning January 1, 2011, and change effective January 1st of each year thereafter, based on the CPI-U.

323. BUILDING STANDARDS

The Applicant shall construct all dwelling units in conformance with the National Association of Homebuilders (NAHB) National Green Building Program Bronze Level standards for environmental construction. The applicant shall submit for each dwelling unit a copy of the "Green Certificate" issued by the NAHB in accordance with its "Green Certification Program" procedures prior to the issuance of the Certificate of Occupancy for each dwelling unit. Should the NAHB National Green Building Program go out of existence for any reason, then the Applicant shall follow the standards of a similar environmental construction program, as mutually agreed upon between the Applicant and the County, provided the alternative standards do not require more stringent standards than the NAHB National Green Building Program Bronze Level for environmental construction.

34. WETLANDS MITIGATION

~~In the event that U.S. Army Corps of Engineers or the Virginia Department of Environmental Quality determine, at the time of subdivision plan or construction plan approval, that any jurisdictional wetland areas are affected by the proposed development which require mitigation, the Applicant shall provide such required mitigation either on the Property or elsewhere within Loudoun County.~~

35.33. DIRECTIONAL SIGNAGE FOR COUNTY PARK

The Applicant shall provide a \$1,000 cash contribution to the County for the Department of Parks and Recreation to install directional signage for access to the County-owned passive public park along Goose Creek from the Belmont Glen Village community. The Applicant shall pay this contribution at the time of the dedication of the "Future Public Passive Park" provided pursuant to Proffer 12, above. This contribution shall escalate on an annual basis beginning January 1, 2011, and change effective January 1st of each year thereafter, based on the CPI-U.

The undersigned hereby warrants that all the owners of a legal interest of the Property have signed this proffer statement, that he/she has full authority to bind the Property to these conditions, either individually or jointly, with the other owners affixing their signatures hereto, and that the proffers are entered into voluntarily.

Bayshire, L.C., by

Signature

Name: _____

Title: _____

Date: _____

Commonwealth of Virginia

County of Loudoun,

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that _____, whose name is signed to the foregoing instrument, has acknowledged the same before me on behalf of the limited liability company.

Subscribed and sworn to before me this _____ day of _____ 2010.

My Commission Expires:

Date

Notary Public

EXHIBIT A

**BELMONT GLEN VILLAGE
CONCEPT DEVELOPMENT PLAN PREPARED BY
DEWBERRY & DAVIS, LLC
DATED JUNE 12, 2009
REVISED THROUGH MARCH 12, 2010**

(ATTACHED AT END OF PROFFER STATEMENT)

EXHIBIT B

PRELIMINARY RECOMMENDATIONS FOR

BELMONT GLEN VILLAGE

BASED UPON THE

GOOSE CREEK SOURCE WATER PROTECTION STUDY

PREPARED BY THE

LOUDOUN COUNTY SANITATION AUTHORITY

DATED JUNE 2, 2003

This page intentionally left blank.

I, Richard D. Entsminger, do hereby state that I am an

 Applicant

☒ Applicant's Authorized Agent listed in Section C.1. below

in Application Number(s): ZCPA 2009-0007 & ZMOD 2009-0004

and that to the best of my knowledge and belief, the following information is true:

RECEIVED

MAR 25 2010

**LOUDOUN COUNTY
DEPARTMENT OF PLANNING**

**C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE
PROCEEDINGS**

1. REAL PARTIES IN INTEREST

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the foregoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all AGENTS of any of the foregoing.

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

PIN	NAME (First, M.I., Last)	ADDRESS (Street, City, State, Zip Code)	RELATIONSHIP (Listed in bold above)
195-19-3084	Bayshire, L.C.	c/o ESDC, Inc. 1355 Beverly Road, #240 McLean, VA 22101-3649	Applicant/Title Owner
	Dewberry & Davis LLC	8401 Arlington Boulevard Fairfax, VA 22031	Engineer/Agent
	Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.	1 East Market Street, 3 rd Fl Leesburg, VA 20176	Attorney/Planner/ Agent

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

☒ There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

LISTING OF INDIVIDUAL AGENTS

1. **Bayshire, L.C.**
Richard D. Entsminger
James M. Mobley
2. **Dewberry**
William E. Fissel
James Brown
Richmond T. Brittingham
3. **Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.**
J. Randall Minchew, Esq.
Andrew Painter, Esq.
Kimberlee Welsh Cummings
Christine Gleckner
William J. Keefe
Michael Romeo

If multiple copies of this page are provided please indicate Page 2 of 2 pages.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Bayshire, L.C. c/o ESDC, Inc.
1355 Beverly Road, Suite 240, McLean, VA 22101-3649

Description of Corporation:

☒ There are 100 or fewer shareholders and all shareholders are listed below.

☐ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

☐ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

☐ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
ESDC, Inc.	
William A. Moran	
David D. Flanagan	

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Richard D. Entsminger	Manager
ESDC, Inc.	Manager
Jeffrey P. Rice	Manager
Catherine L. Griffin	Manager

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

ESDC, Inc.
1355 Beverly Road, Suite 240, McLean, VA 22101-3649

Description of Corporation:

☒ There are 100 or fewer shareholders and all shareholders are listed below.

☐ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

☐ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

☐ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
William A. Moran	David D. Flanagan

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
William A. Moran	Chairman
David D. Flanagan	President
Jeffrey P. Rice	Vice President
Richard D. Entsminger	Vice President
James M. Mobley	Vice President
Catherine L. Griffin	Secretary/Treasurer

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land,** all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Dewberry & Davis LLC, 8401 Arlington Boulevard, Fairfax, VA 22031

Description of Corporation:

☒ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☐ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
The Dewberry Companies LC, Member	
James L. Beight, Member	
Dennis M. Couture, Member	

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

The Dewberry Companies LC, 8401 Arlington Boulevard, Fairfax, VA 22031

Description of Corporation:

☒ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☐ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Sidney O. Dewberry, Member	The Michael S. Dewberry Revocable Trust u/a/d 11/23/05 f/b/o The Stephanie A. Dewberry Marital Deduction Trust u/a/d 11/23/05 (f/b/o Stephanie A. Dewberry), Member
Barry K. Dewberry, Member	
Karen S. Grand Pre, Member	
Thomas L. Dewberry, Member	The Michael S. Dewberry Credit Shelter Trust u/a/d 11/23/05 (f/b/o 4 minor children of Michael S. Dewberry), Member

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
1 E. Market Street, 3rd Floor, Leesburg, VA 20176

Description of Corporation:

☒ There are 100 or fewer shareholders and all shareholders are listed below.

☐ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

☐ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

☐ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
David J. Bomgardner	E. Andrew Burcher
Thomas J. Colucci	Peter M. Dolan, Jr.
Jay du Von	Jerry K. Emrich
William A. Fogarty	John H. Foote
H. Mark Goetzman	Bryan H. Guidash
Michael D. Lubeley	J. Randall Minchew
M. Catharine Puskar	John E. Rinaldi
Lynne J. Strobel	Garth M. Wainman
Nan E. Walsh	Martin D. Walsh

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

3. PARTNERSHIP INFORMATION

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address: (complete name, street address, city, state, zip)

___ (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners:

<i>NAME</i> (First, M.I., Last)	<i>Title</i> (e.g. General Partner, Limited Partner, etc)

Check if applicable:

___ Additional Partnership information attached. See Attachment to Paragraph C-3.

4. **ADDITIONAL INFORMATION**

a. One of the following options **must** be checked:

☐ In addition to the names listed in paragraphs C. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

☒ Other than the names listed in C. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

☐ Additional information attached. *See Attachment to Paragraph C-4(a).*

b. That no member of the Loudoun County Board of Supervisors, Planning Commission, Board of Zoning Appeals or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or though an interest in a partnership owning such land, or as beneficiary of a trust owning such land.

EXCEPT AS FOLLOWS: (If none, so state).

None

Check if applicable:

☐ Additional information attached. *See Attachment to Paragraph C-4(b).*

c. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation (as defined in the Instructions at Paragraph B.3) in which any of them is an officer, director, employee, agent or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank), including receipt of any gift or donation having a value of \$100 or more, singularly or in the aggregate, with or from any of those persons or entities listed above.

EXCEPT AS FOLLOWS: (If none, so state).

None

Check if applicable:

☐ Additional information attached. *See Attachment to Paragraph C-4(c).*

D. COMPLETENESS

That the information contained in this affidavit is complete, that all partnerships, corporations (as defined in Instructions, Paragraph B.3), and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including any gifts or business or financial relationships of the type described in Section C above, that arise or occur on or after the date of this Application.

WITNESS the following signature:

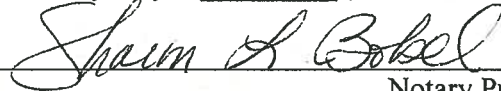


check one: [] Applicant or ☒ Applicant's Authorized Agent

Richard D. Entsminger, Agent

(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 24th day of March 2010, in the State/Commonwealth of Virginia, in the County/City of Abingdon



Notary Public

My Commission Expires: 2-28-13



Important! The adopted Affidavit and Reaffirmation of Affidavit forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.

REAFFIRMATION OF AFFIDAVIT

In reference to the Affidavit dated June 3, 2009 for the Application of
(enter date of affidavit)

Bayshire, L.C.
(enter name(s) of applicant(s))

in Application Number(s): ZCPA 2009-0007 & ZMOD 2009-0004
(enter application number(s))

I, Richard D. Entsminger, do hereby state that I am an

(check one) ☐ applicant (must be listed in Paragraph C of the above-described affidavit)
☒ applicant's authorized agent (must be listed in Paragraph C of the above-described affidavit)

and that to the best of my knowledge and belief, the following information is true:

(check one)

☐ I have reviewed the above-described affidavit, and the information contained therein is true and complete as of _____ (today's date); or

☒ I have reviewed the above-described affidavit, and I am submitting a new affidavit which includes changes, deletions or supplemental information to those paragraphs of the above-described affidavit indicated below:

(Check if applicable)

- ☒ Paragraph C-1
- ☒ Paragraph C-2
- ☐ Paragraph C-3
- ☐ Paragraph C-4(a)
- ☐ Paragraph C-4(b)
- ☐ Paragraph C-4(c)

WITNESS the following signature: _____

(check one) ☐ Applicant ☒ Applicant's Authorized Agent

Richard D. Entsminger

(Type or print first name, middle initial, last name and title of signee)

Subscribed and sworn to before me this 24th day of March, 2010,
in the State/Commonwealth of Virginia, County/City of Loudoun

Sharon L. Bobel
Notary Public

My Commission expires: 2-28-13



A-187

